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## MINUTES OF THE

### THE CITY OF SANTA FE & SANTA FE COUNTY

### BUCKMAN DIRECT DIVERSION BOARD MEETING

August 4, 2011



This meeting of the Santa Fe County/City Buckman Direct Diversion Board meeting was called to order by Virginia Vigil, Chair, at approximately 4:07 p.m. in the Santa Fe City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll was called and the following members were present:

**BDD Board Members Present:**

Commissioner Virginia Vigil  
Councilor Rebecca Wurzburger  
Ms. Consuelo Bokum

**Member(s) Excused:**

Councilor Chris Calvert  
Commissioner Liz Stefanics

**Others Present:**

Robert Mulvey, Facility Manager  
Rick Carpenter, BDD Project Manager  
Nancy Long, BDDDB Consulting Attorney  
Steve Ross, County Attorney  
Lynn Komer, PR Team  
Mark Ryan, CDM  
Stephanie Lopez, City Staff  
Karen Torres, County Hydrologist  
Shawn Stack, Clifton  
Joni Arends, Concerned Citizens for Nuclear Safety  
Elana Sue St. Pierre, Healthy Water Now  
David Bacon, Burned Area Emergency Response Team  
Basia Miller, Concerned Citizens for Nuclear Safety  
Bryan O'Keefe, Citizen

### 3. **APPROVAL OF AGENDA**

[*Exhibit 1: Agenda*]

Upon motion by Councilor Wurzburger, seconded by Board Member Bokum the agenda was unanimously approved 3-0.

REC'D CLERK RECORDED 10/13/2011

4. **APPROVAL OF MINUTES: July 7, 2011**

Councilor Wurzburger noted she was not present at the meeting and abstained from voting. Board Member Bokum moved approval and Chair Vigil seconded. The motion passed unanimously.

5. **APPROVAL OF CONSENT AGENDA**

- 8. **Project Manager's Report on Staffing and Training Program Progress and Update on Staffing & Vacancies**
- 9. **BDD Public Relations Report**
- 10. **BDD Project Manager's Monthly Project Exception Report**

COUNCILOR WURZBURGER: I believe we have a correction, Madam Chair, from the staff, on one item.

ROBERT MULVEY (Facility Manager): Madam Chair, just for clarification, on discussion item number 11, change order #19 to the design-build contract, the \$104,283 is a credit back to the Board; it is not an expense. Just a clarification.

CHAIR VIGIL: Okay. Approval of the Consent Calendar.

COUNCILOR WURZBURGER: I'll move for approval with that clarification.

CHAIR VIGIL: Second.

**The motion passed by unanimous [3-0] voice vote.**

CHAIR VIGIL: Your clarification has been part of the record.

6. **Matters from Staff**

None were presented.

7. **Fiscal Services and Audit Committee Report**

MR. MULVEY: Madam Chair, members of the Board, the Fiscal Services and Audit Committee met this week on Tuesday. There were two agenda items. One was a briefing from Shawn Stack related to closeout of the capital budget. In that briefing Shawn articulated that he will – he expects to have a closeout of the budget as early as October, possibly in November. So that will be coming before the Board.

The other item is related to the release and the status of that is that the release is still under negotiation between the County and the City.

CHAIR VIGIL: Okay. And the report that he had is available in our packets, correct? It's not?

MR. MULVEY: Madam Chair, Shawn Stack is here to stand for any questions and he probably has that information available.

CHAIR VIGIL: It's not in our packets so I'm going to pass it around, from the Fiscal Audit Committee just to have the members here be acquainted with it.

COUNCILOR WURZBURGER: Madam Chair.

CHAIR VIGIL: Yes.

COUNCILOR WURZBURGER: I think we've asked this before. I would like to have this report in our packet if at all possible.

CHAIR VIGIL: Okay. Also there was a request at the meeting that there be clarification for an alternate at the Fiscal and Audit Committee and I believe the alternate will be Councilor Wurtzburger. I don't know what process you have to go through to get that but Commissioner Stefanics and I are alternates on that committee and when she can't make it I do. And so when there is someone from the City that can't make it I think the alternate from the City needs to be identified and clearly known so we that we can have –

COUNCILOR WURZBURGER: We recognize that and I'll discuss that with Councilor Calvert. And I'm willing to serve in that capacity.

CHAIR VIGIL: Great.

**DISCUSSION AND INFORMATION ITEMS**

- 11. Request for Approval of a Design-Build Change Order No. 19 to the Professional Services Agreement Between the Buckman Direct Diversion Board and CH2MHill/Western Summit Constructors Joint Venture in the Amount of \$127,622.16 plus \$23,338.85 (NMGRT) for a Total of \$104,283.31 for the Project Final Change Order**

CHAIR VIGIL: This is a final change order. Mr. Carpenter.

RICK CARPENTER (Project Manager): Thank you, Madam Chair and good evening members of the Board. This is a change order that is a result of some minor design and constructability and operability issues that we've been working through with the contractor as part of our project closeout as we begin the closeout of the capital budget. And as Mr. Mulvey alluded to earlier this is an actual credit back to the Board; it is not an expenditure, Madam Chair.

CHAIR VIGIL: Are there any questions?

COUNCILOR WURZBURGER: Move for approval.

CHAIR VIGIL: I have a motion.

MEMBER BOKUM: Second.

CHAIR VIGIL: And I have a second

**The motion passed by unanimous [3-0] voice vote.**

- 12. Request for Approval of Amendment No. 3 to the Professional Services Agreement Between Buckman Direct Diversion Board and Santa Fe Community College to Provide for the Maintenance Staff for the Amount of \$7,443.00 and to Extend the Term of the Agreement to May 31, 2012**

NANCY LONG (BDDDB Contract Attorney): Yes, Madam Chair, and to the extent that there are any technical questions or more substantive questions today Mr. Hoffman is not here but Mark Ryan is as well. This is an amendment to our existing professional services agreement with the Santa Fe Community College to increase the

cost by the amount of \$7,443. This covers tuition and fees and is for training in facility technology, so it's maintenance staff training, where the maintenance staff would be able to obtain the certificate – it's not actually certification but a certificate from the Santa Fe Community College, and in order to ensure that that can be completed we've also asked that the termination date of the contract be extended to May 31, 2012.

CHAIR VIGIL: Okay. Questions?

COUNCILOR WURZBURGER: No, I think this is a very good thing. Often we don't go throughout the organization in terms of training so I was impressed that you came up with this as a possibility. I move for approval.

MEMBER BOKUM: Second.

CHAIR VIGIL: I have a motion and a second. I have a question. Do we know how many students are enrolled in this? Or how many participants are in the training? And you may not, Nancy. Maybe we could follow up with that request.

MS. LONG: I don't know if Mr. Ryan knows.

MR. MULVEY: Madam Chair, this training is geared toward the maintenance staff, and the maintenance staff were hired relatively late in the process. There are about seven of them.

CHAIR VIGIL: Okay. So there's specific training for that. Do we know how many are enrolled in that?

MR. MULVEY: About seven.

CHAIR VIGIL: Seven. Okay. So I have a motion and a second.

**The motion passed by unanimous [3-0] voice vote.**

**13. Request for Approval to Connect to an Existing Valve on BDD Transmission Line off Caja del Rio Road to Serve the State of New Mexico Archeology Center and Surrounding Area**

MR. MULVEY: Yes, Madam Chair. I can handle that one. The BDD agreements require that any connections to the transmission lines come before the Board for approval. What the County is requesting is a connection to the line on Caja del Rio to serve the Cultural Affairs Building and some surrounding services in the future. We have met with the County, we have reviewed the plans, we have gone over the technical issues and particulars of this and both partners are in agreement that this is an acceptable connection to the system, and so we're asking for Board approval.

CHAIR VIGIL: Any questions? Councilor Wurtzburger.

COUNCILOR WURZBURGER: Thank you, Madam Chair. So this connection is done with a state agency. Are they already a customer of the County's? This is just a matter of giving them water at a different location? So there's no issue of whose customer this is and who's paying for what? We haven't had one of those in a long while.

MR. MULVEY: Madam Chair, Councilor Wurtzburger, this is in County land; it is a County customer. The line runs right by the building that they need to serve, so it's prudent and reasonable to tap in and serve that customer.

COUNCILOR WURZBURGER: So there's no change in water use; it doesn't affect the allocation between the City and the County?

MR. MULVEY: No, ma'am.

COUNCILOR WURZBURGER: Thank you very much. I'll move for approval.

MEMBER BOKUM: Second.

CHAIR VIGIL: I have a motion and second. Do you have a question???

**The motion passed by unanimous [3-0] voice vote.**

**INFORMATION ITEMS**

**14. Update on the Purchase of One (1) Pickup Truck from Melloy Dodge of Albuquerque Under the State Contract No. 01-000-00-00033 for the Amount of \$34,077.00**

MR. MULVEY: Yes, Madam Chair. As part of the construction contract we purchased a number of vehicles and related equipment – backhoes, gators – for the project. This is one that we did not include in the previous purchases. All of those previous purchases have come before the Board for approval so we're now asking for approval for one more to kind of finish off our fleet.

And just as a clarification, it's an informational item. We're not really asking for approval. This is within the authority of the Board.

CHAIR VIGIL: Right. Are there any questions on this?

COUNCILOR WURZBURGER: No. Thank you.

CHAIR VIGIL: Okay. I did want to announce, and Mr. Mulvey, before we go on to Matters from the Public, we are trying to coordinate a tour with Los Alamos National Labs on the early warning system. Has that been – is it August 12<sup>th</sup>?

MR. MULVEY: Madam Chair, I'll have to dig through my Blackberry to confirm the date but yes, I know that we've done that. It is scheduled.

COUNCILOR WURZBURGER: Could we get an email on that please, Madam Chair?

CHAIR VIGIL: Yes. I think the emails that I've received are from Los Alamos, but maybe, Bob, you could coordinate with them.

**MATTERS FROM THE PUBLIC**

CHAIR VIGIL: Is there anyone in the public that would like to address the authority. Please sit up front and happy to listen to you. Joni, do you want to go first? How much time do you need, Joni?

JONI ARENDS: Just a few minutes.

CHAIR VIGIL: Okay. Thank you.

MS. ARENDS: My name is Joni Arends and I'm with Concerned Citizens for Nuclear Safety. I am here to say, based on this article this morning and my own analysis that we need to keep the Buckman off until the monsoons are over. I was up in the Canyon, in Guaje Canyon on Saturday and I have this sample of ash that's about two inches thick. The radiation levels, as we know ash concentrates radionuclides and so

there's something – I think the electromagnetic waves in here are causing my rad meter to go off a little bit but in my office the sample was four times background yesterday.

So I was in Guaje Canyon near the area where it encroaches with Los Alamos Canyon on the road. The ash is thick. The water is dirty. The water is black and we just need to keep this system off until the monsoons are over.

Two weeks ago I talked to Bob Mulvey and made this analogy. It's like having a brand new car and driving it at 100 miles an hour just because you can. We shouldn't task the system with all of this stuff that's coming down. My point is that Guaje Canyon is not a canyon that comes down – is not necessarily a LANL waste site. It's not covered by the stormwater permit. It has waste sites in it but it's not a LANL Canyon. So if the measurements are four times background from a canyon that's not a LANL canyon it indicates that there are other things that are going on besides just the LANL radionuclides.

So in that regard we should instigate through the County and the City process to start the water restrictions again. We don't need to test the Buckman at this point in time to see if it's going to take the ash out. We need to be taking a precautionary approach for a \$200 million project and just say we're going to turn it off and we're all going to have to do a little sacrifice in order to make sure that it's kept safe. My concern is ultimately if this stuff gets into the system and it's radioactive it's going to set up another whole set of problems that we don't necessarily need, especially for a project that's supposed to last for 20 years? Fifty years.

And they I think other people will talk about the need for an independent risk analysis. I think Mark Sardella is going to be. And then also as part of that seven percent per year for seven years rate increase, we would like some funding, some grant funding, to be able to conduct community-based sampling of both the Rio Grande and when the water comes out of the back end of the water treatment facility, and we would like to do that daily. We're very, very concerned about the management of the lab by Bechtel and others, that we need to protect this investment that we've done, that we've done as a community and go from there. So I would ask a precautionary approach. I would ask the women on the Board to step forward and say we're going to keep it off until the monsoons are over. Thank you.

CHAIR VIGIL: Joni, thank you very much. Next.

DAVID BACON: Thank you, Madam Chair, members of the committee. I've done – I've been at a couple of BAER meetings in the Jemez area. BAER stands for Burned Area Emergency Response Team. Right now they had to quite seeding areas. There were 40,000 acres that were severely burned that probably won't support life for 150 years or more in the Jemez, mostly in the Bland Canyon but also in Santa Clara Canyon. When we were at the BAER presentation in Los Alamos the county guy in Los Alamos said that the dam to the west of the ice rink, in a five-year storm, in a five-year occurrence, at one hour would top and probably fail totally, bringing in an unknown amount of mud and debris down that canyon.

The entire Jemez now is in a serious, serious situation in terms of mud flows, flash floods. The BAER team figured that there could be a flash flood down Frijoles Canyon as high as 15,000 cfs. That's five times greater than the Rio Grande at a pretty good flow. Those 40,000 acres will not take any water in; they sheet water off and the

flames – the fire was so intense that it actually fused rock in a lot of places and it's kind of like an asphalt coating.

What Joni's talking about, where Guaje Canyon hits Los Alamos Canyon and comes into the Rio Grande, that arroyo is eight feet wide at the narrow, 20 feet wide at the widest that we saw, and it's solid black ash right now. As Joni said it's four times the background radiation. The ash itself, I don't think anyone has done a risk analysis on the ash. Ash itself is an incredibly sharp particulate and it scours. Los Alamos has not cleaned the canyons up. They still have 30,000 drums sitting in Area G, which they lied about openly at the beginning of the fire at it took a Channel 7 news guy to say, to point out the fact that there were 30,000 drums sitting in unprotected tents. And when he asked the lab spokesman why they hadn't been moved, the guy said, well, we have a bookkeeping problem. He said we don't know what's in them.

So the labs were caught basically on national TV. They had said that all of their radioactive waste was in hardened storage. We need a thorough risk analysis in light of the fire that just took place. It's the most damaging fire that's ever occurred in the Jemez. It burned more than the Cerro Grande fire burned in only 18 hours. The fire was so hot that it was sucking living trees up by the roots and laying them down in the canyons in Bandelier.

The county guy in Los Alamos said even after the best situation you're going to get mudflows of intense levels for three years coming out of Los Alamos Canyon. The labs also said that only one acre had burned on lab property. The BAER team reported 133 acres had burned, so there's serious discrepancies in what the lab says and what actually happens. And I've never seen it otherwise.

I talked with Craig Allen, and Craig's the pre-eminent ecologist in Bandelier. He's been studying Bandelier ecology for at least 20 years. He's with the USGS. He said that you're not going to have conifer cover for hundreds and hundreds of years now, and this fire is going to happen again; we know that. So I really feel like with everything that was seen in the last month and so that we really have to call a halt and do a thorough revisiting of this system and make sure that it can actually take on what's going to be coming down canyons and down river. Thank you.

CHAIR VIGIL: Thank you very much. Thank you.

ELANA SUE ST. PIERRE: My name is Elana Sue St. Pierre. I'm spokesperson for Health Water Now, and that works with parents with special needs children, doctors, physicians, social workers, early childhood advocates. I'd like to first start out thanking everybody for their continued efforts and what seemed like a very smooth start with the Buckman. And we're asking you to revisit everything.

When you hold that ash in your hand it tells you soemthing, so I ask you to hold it, but not very long, because we don't know what's in it. We're specifically concerned about the early warning system and I would thank you for setting up going to visit that, because you'll be going up through some of the burned areas. The public wants to see this too. During the peer review process we were promised a review of that and it wasn't done when the final meeting was held. So the public does not know how this works, and I'm getting questions about this, and I don't know how to answer it. But we would like public meetings to begin with people that are concerned and want to support you again in possibly confronting LANL and what may need to be done.

We really want to support you in this. We don't want it to become adversarial, saying, why aren't you doing this? That's why we're here. But also of primary concern is the old slough, the one that got me into this, the old riverbed. What is going to happen to that area if we have a flash flood? It's not under the early warning system that I know of because it's considered safe? Is it still safe? Is there plutonium there? What is going to happen if it's flooded? How is the early warning system going to take that into account?

We have incredible environmentalists in the area. Craig Allen has been mentioned. There are people that – there are resources that need to be called together. I'm also being asked why are the grasses green when we are in the worst drought we've had forever? We've been floating on a dream that the Buckman was going to take care of everything. We need consciousness around water. We need to reprogram how we use water here and we need public advocacy to do this. I can visualize a series of meetings happening where we work together with the graywater systems. What do we do as alternatives if the Buckman has to be turned off for a prolonged period of time? Thank you very much.

CHAIR VIGIL: Thank you. Next.

BASIA MILLER: My name is Basia Miller. I'm on the board of Concerned Citizens for Nuclear Safety. I joined after a 20-year career at St. John's College on the faculty there. I'm not a scientist but I've followed the Buckman information sessions. When I went to the last presentation of ChemRisk, when they did the independent peer review they concluded that there was no risk. I was a little stunned because that doesn't seem like a scientific conclusion. There's always a risk. If they had said it's .00035 I would have felt more comfortable than if they say there's no risk.

I have only learned that the reason that there's no risk is because the study was done under the assumption that all the contamination had been removed. It seems with that in the background a very important time especially with the fires that have just occurred to go back and start over and find an independent analyst who can do an objective and complete study of the water that comes into the Buckman Direct Diversion. Thank you.

CHAIR VIGIL: Thank you. Next.

BRIAN O'KEEFE: Thank you, Madam Chair, members of the Board. My name is Brian O'Keefe. I'm a Santa Fe citizen. I spent a little time last night reading the ChemRisk peer review of the BDD and to speak to what some of the others have mentioned, the thing that struck me the most curious was that the statement was made that there is no risk, and if Mark Sardella was here he would put this in terms that we could all maybe even better understand. But there's no such thing as no risk. But besides that, what I found odd is that that, as the last woman presented, because it's assumed that the BDD removes all the contaminants, all the radionuclides.

And after reading the article in the paper this morning, the very short article that said that the Buckman was going to be reopened and that tests done by the City and LANL show that the water was okay, I would like to know where are those test results? How do we find those test results? Where are they published? And also, where's the data that shows that the BDD removes 100 percent of all contaminants? That just seems impossible unless they're doing reverse osmosis or something like that. But as far as filtration systems I don't think that that's even technically feasible. Thank you.



CHAIR VIGIL: Thank you, Mr. O'Keefe. Is there anyone else that would like to address the Board? Okay. Is nobody else coming up?

COUNCILOR WURZBURGER: I'll just say thank you for this input.

CHAIR VIGIL: Thank you. I just want to assure some of the members in the audience that we have been meeting actually pro-actively with Los Alamos National Labs on the issues that you bring forth and thank you for refocusing us on it. It isn't something that we've deviated our thoughts and our energies from and we will follow up speaking with them about this. So one of the things that we might be able to do, and those of you who have specific questions such as where do I go to get the test results? My first response is the Department of the Environment, but you might want to ask those questions of staff, in particular, because they're the data collectors of all that information. So we don't have a very long meeting today. I would just ask that any of you who would like to speak to staff members or any of us just hang around. I'll stick around and talk to you also.

**MATTERS FROM THE BOARD**

CHAIR VIGIL: So with that, is there any other matters?

MR. MULVEY: Madam Chair, we have no more.

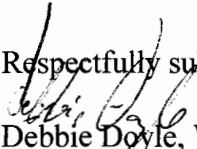
**NEXT MEETING: THURSDAY, SEPTEMBER 8, 2011 @4:00 P.M.**

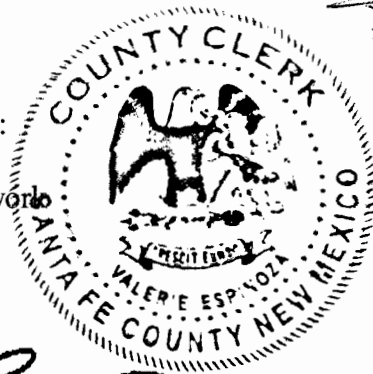
**ADJOURN**

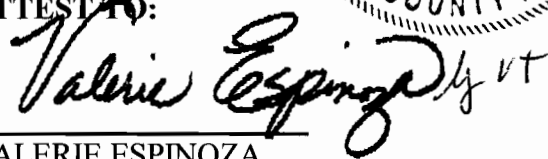
Having completed the agenda, this meeting was declared adjourned at approximately 4:40 p.m.

Approved by:

  
Virginia Vigil, Chair

Respectfully submitted:  
  
Debbie Doyle, Wordsworth



ATTEST TO:  
  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK

ATTEST TO:  
  
YOLANDA VIGIL  
SANTA FE CITY CLERK



CITY CLERK'S OFFICE

DATE 7/27/11 TIME 2:55 PM

SERVED BY [Signature]

RECEIVED BY [Signature]

## AGENDA

THE CITY OF SANTA FE  
And  
SANTA FE COUNTY

### BUCKMAN DIRECT DIVERSION BOARD MEETING

THURSDAY, AUGUST 4, 2011  
4:00 PM  
CITY HALL  
CITY COUNCIL CHAMBERS  
200 Lincoln Avenue

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES FOR THE JULY 7, 2011 BUCKMAN DIRECT DIVERSION BOARD MEETING
5. APPROVAL OF CONSENT AGENDA
6. MATTERS FROM STAFF
7. FISCAL SERVICES AND AUDIT COMMITTEE REPORT

#### CONSENT AGENDA

8. Project Manager's Report on Staffing and Training Program Progress and Update on Staffing & Vacancies. (Bob Mulvey)
9. BDD Public Relations Report. (Lynn Komer)
10. BDD Project Manager's Monthly Project Exception Report. (Bob Mulvey)

## **DISCUSSION AND ACTION ITEMS**

11. Request for Approval of a Design-Build Change Order No. 19 to the Professional Services Agreement Between the Buckman Direct Diversion Board and CH2MHill/Western Summit Constructors Joint Venture in the Amount of \$ 127,622.16 Plus \$23,338.85 (NMGRT) for a Total of \$104,283.31 for the Project Final Change Order. (Rick Carpenter and Mark Ryan)
12. Request for Approval of Amendment No. 3 to the Professional Services Agreement Between Buckman Direct Diversion Board and Santa Fe Community College to Provide for the Maintenance Staff for the Amount of \$7,443.00 and to Extend the Term of the Agreement to May 31, 2012. (Stephen Hoffman and Nancy Long)
13. Request for Approval to Connect to an Existing Valve on BDD Transmission Line off Caja del Rio Road to Serve the State of New Mexico Archaeology Center and Surrounding Area. (Patricio Guerrerortiz)

## **INFORMATIONAL ITEMS**

14. Update on Purchase of One (1) Pickup Truck from Melloy Dodge of Albuquerque Under the State Contract No. 01-000-00-00033 for the Amount of \$34,077.00. (Bob Mulvey & Steve Hoffman)

### **MATTERS FROM THE PUBLIC**

### **MATTERS FROM THE BOARD**

**NEXT MEETING: THURSDAY, SEPTEMBER 8, 2011 @ 4:00 P.M.**

**ADJOURN**

**PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.**